April 25, 2019

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Katie Carpenter
Central Valley Regional Water Quality Control Board
1685 E Street
Fresno, CA 93706

RE: Comments to Tentative Report of Waste Discharge Requirements, B&R Livestock Washout, Truck Wash Facility, Tulare County

Dear Ms. Carpenter

The Central Valley Regional Water Quality Control Board released a Notice of Tentative Water Discharge Requirements (WDRs) for B&R Livestock Washout, dated 27 March 2019. The cover letter to the Tentative WDR's states comments must be submitted in writing by 5:00 pm on 26 April 2019. Please see the comments below as provided by 4Creeks, Inc. 4Creeks is the civil engineering firm that has completed and submitted the Technical Report of Waste Discharge for the facility (previously known as Akins Truck Wash) on 15 September 2010, and updated the Technical Report of Waste Discharge to reflect current facility operations on 15 December 2017.

Comments:

1. Page 19 – Item G.10. Recommend 12 months of data collection prior to determining and reporting water balance using actual wastewater flow data. The facility will need to be analyzed on a full year-long cycle to allow facility operators and consultants to accurately determine the water balance for each subsequent year. Recommend <18 months for report and revised water balance.

2. Page 20 – Item G.12. Recommend removal of the Salinity Reduction Study Workplan. Tentative WDR's currently require water quality sampling of effluent to be applied to land application areas as well as the requirement of application at rates consumable by the crop. Any solid waste removed from the facility by means other than cropland application is required to be tracked and reported. As such, an additional Salinity Reduction Study Workplan requires an added step redundant to the previous requirements of the WDR and therefore an unnecessary expense and requirement for the landowner.

3. Page 20 – Item G.13. Recommend revision to requirement for discontinued use of unlined ponds or install and maintain a groundwater monitoring well network. This requirement presents an extreme financial hardship for the facility and would likely be detrimental to the long-term success of an operation this size, with a high probability of driving the facility out of business. There is little grant funding and/or financial assistance available for the facility to help subsidize such a cost.

   The facility currently collects and stores runoff from the washing of livestock trailers which previously held confined animals. As confirmed through nutrient testing and agreed upon during discussions with Regional Board staff. the effluent directed to the ponds is most similar to a confined animal facility, such as a feed lot or dairy wastewater. Retention Pond Design for a Confined Animal Facility must follow California Code of Regulation, Title 27, Section 22562, which states the following:

"Retention ponds shall be lined with, or underlain by, soils which contain at least 10 percent clay and not more than 10 percent gravel or artificial materials of equivalent impermeability. "

As the wastewater stored in the ponds is most like the waste stream of a confined animal facility, the storage of that waste should be treated most similarly to a confined animal facility. On October 8, 2004, Consolidated Testing Laboratory submitted a report certifying the wastewater retention pond to meet the soil texture requirements of Title 27 of the California Code of Regulations. 4Creeks recommends the landowner complete similar testing on the second retention pond on-site to ensure the pond liner similarly meets all Title 27 requirements if it is to be used for wastewater storage.

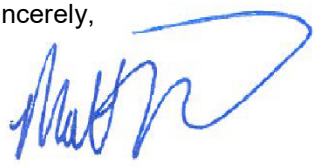
On April 1, 2019, the Central Valley Dairy Representative Monitoring Program (CVDRMP) submitted to the Central Valley Regional Water Quality Control Board a Summary Representative Monitoring Report. This report summarized and provided recommendations based on six years of groundwater monitoring of dairy facilities in the Central Valley. The report identified that only 4% of the nitrogen loading associated with the facilities was contributed to lagoons, while a 94% of the loading was attributed to cropland application. Given the cost of lagoon lining for this facility relative to the potential impacts, the potential gain from such an action for the protection of groundwater quality seems extremely low for the cost associated with such an action.

Lastly, the facility is currently estimated to contribute approximately 3,500 gallons/day (to be field verified upon adoption of Tentative WDR's) of wastewater, which equates to magnitudes less wastewater than an average confined animal/dairy facility producing very similar quality wastewater. A relatively small 1,000 cow dairy on average produces approximately 10 times this amount of water, at approximately 40,000 gallons/day.

Based on the relatively small volumes of water produced on-site, existing Title 27 compliant pond(s), and recent findings of waste discharge facilities with significantly larger wastewater outputs of similar nutrient content, 4Creeks finds the cost of requested compliance relative to the benefits of groundwater quality to be largely out of balance, and generally unfeasible for the facility.

Thank you for taking these comments into consideration as the final version of the Waste Discharge Requirements are prepared and ultimately adopted. Please contact Matt Razor at the Visalia Office or via email (mattr@4-creeks.com) with any questions regarding these comments.

Sincerely,



Matthew Razor, PE
RCE No. 81897

cc: Mr. Jason Thompson, Owner in Responsible Charge of B&R Livestock Washout

file: *Job#16342*